

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

|                                 |   |                                      |
|---------------------------------|---|--------------------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                                      |
|                                 | ) | <b>CASE NO.: 2:19-CR-00010</b>       |
|                                 | ) | <b>HONORABLE WILLIAM L. CAMPBELL</b> |
|                                 | ) |                                      |
| <b>DR. GILBERT GHEARING</b>     | ) |                                      |

**DEFENDANT’S RESPONSE TO THE GOVERNMENT’S NOTICE OF PROPOSED  
TRIAL DATES AND REQUEST FOR TRIAL IN COOKEVILLE, TN (D.E. 179, 180)**

COMES NOW, the Defendant, Dr. Gilbert Ghearing, by and through his counsel, Ron Chapman, II and Meggan Bess Sullivan, and files this Response to Government’s Request for Trial in Cookeville (D.E. 180) and states as follows:

The Defendant is opposed to trying this case in Cookeville, TN for the following reasons:

**1. The status quo.**

Prior to the most recent request and to the defense’s best recollection over the past three to four years, the Government has attempted to try the case in Cookeville, TN to which this Court denied that request. Regardless if that recollection is accurate, the last time this case was set, the Government did not oppose the trial be conducted in Nashville days before the trial was to begin. Additionally, the Government has not communicated that desire in the last several months to the defense or the Court including at the most recent status conference held days before their request. There is nothing contained in the Superseding Indictment which creates different circumstances from the trial of the Indictment. The Defendant is not burdened by traveling to Nashville, TN and wishes the status quo, prior to the superseding indictment, be maintained by this Court.

**2. The evidence in this trial requires the best technology available to ensure a smooth trial process and the jury’s understanding of the evidence.**

In addition, the evidentiary support for both the Government and the defense cases is heavily laden with documents including medical records and financial records. The technology in the Nashville courthouse is more equipped to handle the evidence in this trial. In addition, the jury will be less burdened and confused during the trial by the parties' utilization of the technology in the Nashville courthouse. The Cookeville courthouse has a single projection screen for hundreds, if not thousands, of pages of documents.

**3. The Government's own publicity of this case over the last three or four years tainted the jury pool in Cookeville, TN, makes picking an impartial jury much for difficult and calls into question the Government's motive for requesting a change in location.**

The jury pool in Cookeville is tainted by the publicity surrounding this case. Journalist Geraldo Rivera himself was present in Celina, TN at the execution of the search warrants of the companion Dale Hallow Pharmacy and Xpress pharmacy cases. Both of those companion cases have arguably many of the same witnesses and are being tried in Nashville, TN.

**4. Moving this case to Cookeville creates both logistical and personal burdens on the defense counsel Dr. Ghearing has chosen.**

While the Government undoubtedly has office space very close to the courthouse in Cookeville, TN, the defense is not afforded that luxury. The defense would be required to operate out of either hotel rooms for a month or be tasked with the responsibility of leasing office space for a month. Currently, defense counsel's office space is approximately two (2) blocks from the Nashville courthouse. The defense has already incurred inordinate expense due to the delays of the Government. Twice now the defense has prepared this case twice within weeks of trial or days of trial and at significant additional cost to the Defendant. In addition, trying a case in Cookeville for

a month will force at least one single-parent attorney, if not all attorneys and the Court, to be away from their minor children for an unnecessary reason and creates significant family hardships.

WHEREFORE, the Defendant requests the Court maintain all matters including the location of the trial as previously decided and discussed at the pretrial conference.

DATE: February 3, 2023 RESPECTFULLY SUBMITTED,

**CHAPMAN LAW GROUP**

*/s/ Meggan Bess Sullivan*

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**CERTIFICATE OF SERVICE**

I hereby certify that this Response has been filed on Assistant United States Attorneys Sara Bogni and Juliet Aldridge via electronic mail and the Court's CM/ECF system on February 3, 2023.

*/s/ Meggan B. Sullivan*

